

ALBUQUERQUE EVENING HERALD

TRIBUNE CITIZEN,
VOL. 26, NO. 56.

ALBUQUERQUE, NEW MEXICO, SATURDAY, APRIL 8, 1911.

TEN PAGES TODAY.

EVENING HERALD
VOL. 1, NO. 29.

STATE INSURANCE WORKING MEN'S LIVES IS PLAN PROPOSED

Miles Dawson of the Russell Sage Foundation Fund Discusses Important Question at Philadelphia.

SHERMAN SAYS BOTH SHOULD PAY TAX

He Tells American Academy of Political and Social Science That Burden is a Mutual One.

Philadelphia, April 8.—In discussing the best system of workmen's compensation for the United States Miles N. Dawson, attorney of the Russell Sage foundation, today said to the fifteenth annual meeting of the American Academy of Political and Social Science:

The subject must be considered in connection with the effect of different systems upon the interests of employers, the employees and the general public. It is, therefore, necessary to inquire which method will impose the lowest and most equitably distributed cost upon the employers and thereby upon the industries, which system will render the most effective reliable and universally realized aid to injured employees whose deaths are caused by accidents, and which system will be of the greatest service to the public, taking into account the cost, the relief of the pressure upon public and private charity, the diminution of pauperism, of premature compensation to labor and of crime.

Account must also be taken of all the偏見 on the subject which may have been erected into fixed political principles, and of the legislation already achieved. In two states it has taken the form of public insurance and in the report of one state committee it is recommended on an optional basis. These do not indicate that there is a serious obstacle in prejudices against state insurance if it will best answer the purpose.

At the present time we are facing the extravagant cost of private insurance, most of which is believed to be inevitable, the expenses amounting roughly, to one-half of the premiums. This ratio of expense continues in Great Britain under the workmen's compensation. It is accompanied also necessarily by close settlements and a strong preference for lump sum settlements, while workmen, their families and the community are better served by benefits being paid certainly like wages.

The estimated cost for agents' commission, alone, were workmen's compensation in full operation in the United States, would not be less than \$16,000,000 and of total expenses tally twice this amount as against not more than \$10,000,000 or \$10,000,000 total expenses under a general, national-wide compulsory insurance system. This enormous unnecessary expenditure, once firmly established, is difficult to shake off, because it is taking away the livelihood of persons engaged in the business. The expenditure, therefore, should not be incurred but instead should be avoided from the outset.

The method of insurance under state compulsion in association of employers fixing the rates and with joint committees of employers and employees determining the benefits is the wisest course. Under such a system the pressure of the cost will gradually increase, but as its maximum would be much lower than under private insurance. The system would also tend more than any other to introduce effective prevention of accidents and thereby diminish the waste.

This system is best adapted to the states, whether undertaken by the states or by the nation. It is constitutional under most of the state constitutions. An occupation or excise tax for this purpose levied upon employers or, if necessary, insurance is included upon employers and employees could be collected under the taxing powers of the national government and distributed for these purposes, which are strictly the general welfare of the United States.

P. Tammie Sherman, former labor commissioner of the state of New York, spoke on the merits of a compensation law. He said:

"I will limit my arguments to those which apply with full force only to employment in the more hazardous organized industries to which, in my judgment, our first experiments in the law of compensation should be limited in their application. The compensation law is a development from the principles of the negligence law, corrected to conform to the lessons of experience and to modern scientific knowledge and modified with a view to concrete as distinguished from abstract justice. The compensation law differs from the law of negligence in principle in that it changes the rules of 'contributory negligence,' of 'assumption of risks' and of 'fellow servant,' the criterion of 'negligence' and the rules governing the burden of proof and in that it fixes a

BIG LINER IS STILL FAST ON THE SANDS

Tugs and Wind Move Her Slightly But in Case of a Storm, She Will Be Mass of Wreckage.

Lone Hill Life Saving Station, April 8.—The efforts of a fleet of tugs and a veering wind shifted the position of the stranded steamer Princess Irene during the night, and at daybreak her nose was swung a little further off the shore. But surfmen, shaking their heads at the ominous looking clouds, are predicting a hard northeaster, which will prove disastrous to the big liner.

With all the passengers safely taken off, the work of lightening the cargo began this morning, and if the storm does not come this will be completed in 48 hours. It is believed dredges will be necessary before the Princess Irene can be floated.

SPRING SUITS AND STRAW HATS GET SEVERE SETBACK

A "spell of weather" began to happen in the central Rio Grande valley late last night and the indications are that Albuquerque and surrounding country will be in the grip of a small blizzard for at least 24 hours longer. Spring suits and straw hats were laid on the shelf this morning and heavy suits and overcoats with mufflers and storm collars, were quite popular all day.

Just what effect the cold snap will have on the fruit is not known, but it is almost certain that apricots and early peaches cannot weather the gale and will be considerably damaged.

definite and limited measure of the amount of the liability.

The compensation law treats all the necessary risks of employment as joint risks, of which the consequence should be shared between the employer and his injured workmen, and it accordingly imposes upon the employer a legal liability to pay to his injured workmen, or their dependents his share (generally one-half) of their wage losses resulting from such risks. This conception of a joint occupational risk—or of a mutual responsibility for accidents from occupational risks, of moral partnership in the resulting losses—the great basis of the compensation liability.

In contrast with the compensation law, our negligence law gives universal dissatisfaction. Not only is it in many respects absolutely unjust, but even so far as its theories are just it fails to carry out those theories in practice, but results instead in a measure of cruel wrong, oppressive waste and delayed or compromised justice.

The fault lies not so much with the machinery of our courts as with the law itself. For the law starts from an unfair basis, by imposing the burden of proof entirely upon the injured workmen, and thereby insures injustice to them where, as happens in a large proportion of cases, from the very nature of the accidents there can be no real proof. And, where there is a scintilla of proof, our law is wrong, not as much in making juries judges of the facts, as in making them judges of all possible inferences from distorted versions of a part of the facts, without scientific rule or reason to guide them. The result not only is but must be a pure gamble, more expensive, wasteful, distressing and corrupting than any form of gambling prohibited by the penal law.

"In my opinion it is altogether a mistake to seek to remedy the existing evils along the lines of employers' liability statutes. These laws are too many respects grossly unjust to employers, increase litigation, are expensive and wasteful, are slow and uncertain in results and furnish small additional relief to the victims of industrial accidents in the mass.

"It is a principal merit of the compensation law that under it questions of industrial safety would cease almost altogether to be subjects for judicial determination, and that the intelligence and efforts of employers would then be directed towards the prevention of accidents instead of towards the maintenance of arbitrary conditions which will merely prevent liability for accidents."

BIG MALLETT TO WORK ON NEW MEXICO DIVISION

Kerosene Lamp Explodes in Home Near Chicago and Family Perishes in Ruins.

Chicago, Ill., April 8.—By the explosion of a kerosene lamp six children and their mother, Mrs. Lydia Podoll, were fatally burned last night at Clyde, a suburb of Chicago.

Zybyko Wins From Cutler.

Denver, Colo., April 8.—Charles Cutler lost out in two straight falls to Zybyko in the Auditorium last night. The Pole secured the first fall in one hour and six minutes and the second in seven minutes and thirty seconds. Zybyko used the toe hold successful on his opponent.

UNDERTAKERS FIGHT FOR BODIES TAKEN FROM MINES AT THROOP TODAY

Indignation is Expressed By Crowds Who Called Them Body Snatchers As They Drove Away With Dead.

ALABAMA CONVICTS ARE VICTIMS OF EXPLOSION

Another Disaster Wipes Out Lives of Many Prisoners Sold to Company By Countries of State.

Scranton, Pa., April 8.—Officials of the Pancoast mine, where nearly a hundred miners and their rescuers lost their lives as the result of a fire yesterday, stated at 2:30 o'clock this afternoon that the total number of lives lost was exactly seventy-four.

At noon, an unofficial estimate placed the number at eighty-five. Seventy bodies had been removed from the mine at 10 o'clock this morning, which makes almost the number reported missing. Some workmen have not been accounted for as yet and may be in the mine. If so, they are probably dead.

Fire Started in "China."

The fire started in one of the hoisting engine rooms in "China" or the lowest vein of the mine, 750 feet below the surface. The fire did not reach the entombed men and the condition of the bodies shows that death was due to asphyxiation. Many had their faces buried in coal or their coats wrapped around their heads, showing that they made a hard fight for their lives. Many of the victims were foreigners.

The opinion prevailed in Las Vegas this afternoon that the detectives have been barking up the wrong tree for two weeks and that it is up to them to secure an entirely fresh set of clues before any further developments may be expected.

DETECTIVES WORKING ON FAMOUS ROGERS KIDNAPING CASE ADMIT THEY WERE BARKING UP WRONG TREE.

Detectives Working on Famous Rogers Kidnapping Case Admit They Were Barking Up Wrong Tree.

Special to Evening Herald.

Las Vegas, N. M., April 8.—That the dozen and a half territorial, county, city and private detectives who have been working on the Rogers kidnapping case have been on the wrong trail ever since the sensational abduction of Judge A. E. Fall of Three Rivers, N. M., the delegation is not doing anything to hasten the admission of Arizona at the same time as New Mexico but on the other hand, it is assisting where ever possible. It is a foregone conclusion that the Democrats will insist on the admission of Arizona with New Mexico. The Arizona delegation is working for early action.

Several of the detectives practically admit that they are "stumped," that the sensational arrests among "high-ups" and terrible scandal which would follow the arrests are now not to be, for the simple reason that there isn't anything upon which to hold any of the "high-ups" suspected of being implicated.

Things assumed a high pitch of excitement yesterday and last night when the rumor was current that at last the officers had cornered the guilty persons and that arrests were imminent. It developed today, however, that no arrests have been made and that none will likely be made in the near future. Dozens of witnesses have been examined by the detectives; depositions have been taken and other red tape gone through with, but no actual results have been obtained, as far as the general public is taken into the confidence of the sleuths.

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Chihuahua, via Laredo, Texas—(Saturday).—A report which lacks official confirmation is in persistent circulation that in the event of President Diaz putting into effect the reforms suggested in his recent message to congress with peace as the result, Dr. Vasquez Gomez, the insurrectionary agent in Washington, will be called to Mexico City to assume a high office. With the outposts of the insurrection and the federal separated by only a few miles, Chihuahua today continues in a state of expectancy. A message was sent to Madero urging him not to permit the destruction of the Mexican National railroad south which now is the only means of bringing in supplies here.

A suspension of trains would place Chihuahua under a siege and work great hardship upon non-combatants. Madero has permitted provision trains to pass through the insurrection territory to the mines north, where many Americans are employed. Shipments of dynamite to the mines also has been allowed sometimes, on condition that a portion of the dynamite be surrendered.

The interest in congress now centers in the new line up in the house. The Democrats have a good working majority, even discounting some members who are ultra-conservative. The insurgents on the Republican side declare that the peace overtures being made them by the old line stand members, will come to naught, on a vote on obnoxious measures and that they will continue to follow the same lines as in the past. Stand pat Republicans declare that if this attitude is maintained, the Republican congressmen will be entirely at the mercy of the Democrats. Thus far, the Democrats have maintained harmony in their ranks and Clark is working to keep the members together and secure united action on all war undertaken.

Judge Hunt of Phoenix, who was chairman of the Arizona constitutional convention is expected to reach here Sunday and he will interview Speaker Clark and members of the house with regard to the Arizona constitution.

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